

Compliance News for Customer People

September 2021

Philip Schofield's shame and the £6,000 chocolate mystery

**All this and more explained in this
month's newsletter. Honest!**

The Headlines:

- **3 leading brands fail to understand the email marketing rules & land big fines**
- **All change for UK data protection laws? Maybe not...**
- **Virgin Media's dire complaints handling highlighted by Ofcom**
- **How to protect vulnerable customers in a failing energy market?**
- **The ICO's great Christmas chocolate mystery is solved**

That might not have been much of a summer, but it's over now!
And If you're responsible for targeting, acquiring, retaining or serving customers then take five and gen up on all the compliance and regulation news and trends you need to be aware of if.

Be wise; don't get fined!

Welcome to the 26th newsletter



In September the ICO fined 7 firms at total of £660,000 for breaking the data protections laws with sales and marketing efforts, the joint highest monthly total in the past few years by our reckoning.

As usual the fines were levied for breaches of the old and dusty [PECR rules](#), not the new-ish GDPR (or "UK GDPR" as it's now known) and 2018 Data Protection Act.

The first 3 cases seem to fit the familiar weird / dodgy / scammy profile and all concerned making live, outbound telemarketing calls:

- **Parkin Beacher** was fined £50,000 for making 'cold' calls to consumers about their pension cover. It seems unimaginable that Parkin Beacher - *or, more importantly, the FCA accredited IFA firms which were buying its leads* - didn't know that this was specifically outlawed years ago
- **DialADeal Scotland** called over half a million TPS-registered numbers about energy saving offers, compounding its failing by using over 200 different identification numbers to hide its identity. £150,000 fine
- Confusion abounded with **Your Home Improvements Limited** which confusingly sold boiler cover, but claimed it didn't know about the illegal calls it made to TPS numbers, which must have been made by a 3rd party - for reasons which really weren't very clear...

webuyanycar.com



However, more interesting were 4 fines of big, established brands which really should have known better, We Buy Any Car, Sports Direct and Saga (which had 2 fines of 2 separate divisions) were all fined for their misuse of marketing comms via email and SMS. In each case, they didn't have permission to market or remarket to consumers.



Hard to imagine that a brand which has that nice Philip Schofield as its public face would not understand or disregard the law around marketing and consent, but that's what We Buy Any Car did. Likewise Britain's biggest purveyor of un-paired trainers and reliable old Saga.



Is there a lesson to be had from this?

Yes. If you're about to embark on post-Covid or pre-Christmas marketing then just pause, take a breath and check whether that great big prospect database really is available to you.

You can read all the gory details on the ICO's website, [here](#).

Lots of commentators have got [excited and / or irritated](#) by the government's proposed new data privacy overhaul: **Data: A New Direction**.

There's a [consultation period](#) open until 19th November on "on reforms to create an ambitious, pro-growth and innovation-friendly data protection regime that underpins the trustworthy use of data" A variety of changes have been proposed, including

- clarifying the definition of Legitimate Interests
- acknowledging that most smaller firms are still very confused by the data protection rules
- reforming the ICO (and, by implication, diminishing its freedom of movement)
- allowing charities to use the email 'soft opt-in' available to commercial concerns
- shifting the maximum fine under PECR from £500,000 to £17.5m or 4% of global turnover, in line with GDPR

As always, the DMA was quick to [summarise and respond from a marketing & customer perspective](#).

Department for
Digital, Culture
Media & Sport

Data: A new direction

10 September 2021

However, it is worth recognising that barely hours after the proposals were published, Oliver Dowden was sacked as Secretary of State for Digital, Culture, Media and Sport and replaced by everyone's favourite star of reality TV, Nadine Dorries. What this means - if anything - is more than usually hard to predict....



Back in the spring we shared [a story in the Business Insider](#) from [Chris Stokel-Walker](#) about how the ICO had mysteriously spent over £6,000 at Hotel Chocolat in the run-up to Christmas.

After 7 months of internal investigations, the ICO has (quietly) announced that the money was spent on Christmas gifts for hard-working staff. However, it says the purchase was a mistake and that it “was not in line with our staff recognition or spending policies to purchase gifts for staff using public funds”.

So, back to Secret Santa and £5 limit in Wilmslow, this Christmas!



We all know about the ongoing series of business failures in the energy sector. And the reasons which are, obviously:

- Wind - too little
- The French - too much (or too little)
- Free markets - too much (or too little)

You decide.



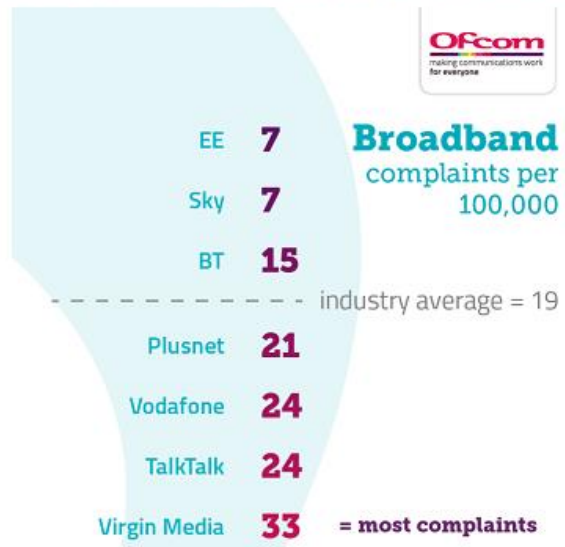
But a second order concern for energy suppliers is how to ensure they are meeting Ofgem's requirements to support their vulnerable customers. This is a growing challenge when many suppliers won't take on new customers and for many consumers the smartest move is to paradoxically move to a more expensive - but fixed price - tariff.

Tricky.



Ofcom's latest quarterly complaints data is out and it makes grim reading for Virgin Media which tops the table of shame for Broadband, Landline and Pay TV (and almost doing so for Mobile).

Home broadband complaints per 100,000 customers



Only one fine of dodgy and misleading premium rate phone service providers, this month.

Taptronic FZC which operated the "Fitguru" fitness service [has been fined £1.25m](#) by the [Phone-paid Service Authority \(PSA\)](#) - which regulates the premium rate sector on Ofcom's behalf - after generating over 400 complaints from misled consumers who didn't realise they had signed up for a chargeable service.

Feedback please!

What else would you like to see in this monthly newsletter? Are the stories covered of use and/or interest? Let me know.

And remember, if you have come across an interesting story or trend do let us know and we can include it in the next newsletter.

Let us know: hello@channeldoctors.co.uk

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Channel Doctors

20 Wilfred Road, Bournemouth, BH5 1ND, UK

